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SO2012-644

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City Council Document Tracking Sheet

Meeting Date:	2/15/2012
Sponsor(s):	Emanuel, Rahm (Mayor)
Type:	Ordinance
Title:	Amendment of Chapter 13-196 of Municipal Code regarding life safety evaluation plan notification
Committee(s) Assignment:	Committee on Zoning, Landmarks and Building Standards

FOR
MA-146

SUBSTITUTE
ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 13-196-039 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-196-039 Fines and penalties.

(a) ~~Failure~~ Any person who fails to make a report or to maintain an exterior wall or enclosure as required by Section 13-196-031 through and including Section 13-196-037, or any person who violates Section 13-196-030; or any person who violates any requirement of Section 13-196-204 ~~or through and including~~ Section 13-196-209, shall be ~~punishable by~~ subject to a fine of not less than \$1,000.00 and not more than \$2,500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense ~~for which a fine shall be imposed.~~

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 13-196-206 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

13-196-206 Life safety evaluation of existing high rise buildings.

(Omitted text is unaffected by this ordinance)

(F) (1) Disclosure statement required when – Content of statement – Inspection of statement. Except as otherwise provided in subsection (F)(4) or (F)(5) of this section: The owner, condominium association or governing body, as applicable, of any building for which a life safety compliance plan is required under this section shall keep and maintain on file at such building a written disclosure statement containing the following information: (1) whether a life safety compliance plan for such building has been submitted to the department of buildings and bureau of fire prevention; (2) whether such life safety compliance plan has been approved in writing by the department of buildings and bureau of fire prevention; and (3) whether all of the modifications to the building required in the approved life safety compliance plan have been fully implemented at such building. Such disclosure statement shall (i) be in writing; (ii) be true and accurate; (iii) be kept current; (iv) indicate the date on which the disclosure statement was prepared; (v) bear the printed name and signature of the building's current owner or authorized

agent; and (vi) upon distribution of such disclosure statement or any copy thereof to any person, identify the date on which such distribution occurred, which date shall be signed or initialed by the building's current owner or authorized agent. Upon request by any authorized city official, the building's owner, condominium association or governing body, as applicable, shall immediately make the disclosure statement required under this subsection (F)(1) available for inspection by such authorized city official.

(2) *Disclosure to new and renewing tenants – Required when.* Except as otherwise provided in subsection (F)(4) or (F)(5) of this section: Before any person initially enters into or renews a rental or lease agreement of any type for a dwelling unit in any building for which a life safety compliance plan is required under this section, the owner of such dwelling unit or such owner's agent shall provide such prospective or existing tenant with a current copy of the written disclosure statement required under subsection (F)(1) of this section. Upon distributing the required disclosure statement to such tenant, the dwelling unit owner or such owner's agent shall write on the disclosure statement the date on which such distribution occurred. Such date shall be signed or initialed by the dwelling unit owner and tenant or by their respective agent(s).

(3) *Distribution of disclosure statement to dwelling unit owners in condominium and cooperative buildings – Required upon request.* If a dwelling unit is located within a condominium building or cooperative building for which a life safety compliance plan is required under this section and the owner of such dwelling unit or such owner's agent requests a copy of the disclosure statement required under subsection (F)(1) of this section, the condominium association or governing body, as applicable, or such association's or governing body's agent, shall, at no charge and within five business days of receipt of a written request from such dwelling unit owner or such dwelling unit owner's agent, provide such dwelling unit owner or agent with a copy of the written disclosure statement required under subsection (F)(1) of this section. Provided, however, that if the owner of a particular dwelling unit or such dwelling unit owner's agent requests more than three copies of such disclosure statement within any 12-month period, the condominium association or governing board, as applicable, or such association's or governing body's agent, may charge a reasonable fee, not to exceed \$25.00, for any fourth or subsequent copy of such disclosure statement provided to such dwelling unit owner or agent within such 12-month period.

(4) *Exemption for fully sprinklered buildings.* If, as of the effective date of this amendatory ordinance of 2012, a building for which a life safety plan was required has been or is subsequently equipped throughout by an approved automatic sprinkler system, as evidenced by a written statement to such effect jointly signed by the building commissioner and fire commissioner and issued, as applicable, to the building's owner, condominium association or governing body, the disclosure requirements set forth in subsections (F)(1), (F)(2) and (F)(3) of this section shall not apply.

(5) Exemption after January 1, 2015 for buildings in full compliance with an approved life safety compliance plan. If the building commissioner and fire commissioner determine that a building is in full compliance with any life safety compliance plan required under this section, as evidenced by a written statement to such effect jointly signed by the building commissioner and fire commissioner and issued, as applicable, to the building's owner, condominium association or governing body, then, beginning on January 1, 2015, the disclosure requirements set forth in subsections (F)(1), (F)(2) and (F)(3) of this section shall not apply so long as the building remains in full compliance with such plan.

~~(F)~~(G) Construction of section. Nothing in this section shall be construed to waive any provision of the Municipal Code of Chicago applicable to existing buildings or to relieve any person from full compliance with those provisions or to limit in any way any affirmative defense available to the City. Notwithstanding anything to the contrary in Chapter 5-12 of this Code, nothing in subsection (F) of this section shall be construed as material noncompliance by the landlord, within the meaning of Section 5-12-110, with a rental agreement or with Section 5-12-070.

(H) Penalty for violation. The penalty for violation of any requirement of this section shall be as set forth in Section 13-196-039.

SECTION 3. This ordinance shall take full force and effect 90 days after its passage and publication.